

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,	:	CASE NO. 17-mj-4519 (TJB)
	:	
v.	:	
	:	
LIDYA M. RADIN,	:	
	:	
Defendant.	:	
	:	

IT APPEARING THAT:

1. In this criminal matter, the defendant has been convicted of the petty offense of disorderly conduct on federal property in violation of 41 C.F.R. § 102-74.390 following a bench trial before a Magistrate Judge. (ECF No. 48.) The defendant is out on bail, and is scheduled to be sentenced before the Magistrate Judge on July 18, 2018. (ECF No. 55.)

2. The defendant has moved before me in my capacity as the Chief Judge for the District of New Jersey to extinguish certain orders issued by the Magistrate Judge during the course of the criminal proceedings, and to express objections to the jurisdiction of the Magistrate Judge and this Federal Court to oversee the prosecution. (ECF Nos. 52–54.) The defendant has filed several letters in further support of those motions. (ECF Nos. 56–59.)

3. I have thoroughly reviewed all of the papers filed by the defendant. The motions are denied. First, I find that most of the defendant's requests for relief were

previously addressed and denied in an order issued by this Court on November 20, 2017. (ECF No. 12.) The defendant is referred to that Order, as this Court will not repeat the rulings therein.

4. Furthermore, the defendant should seek relief through the ordinary appellate process, and not seek relief directly from the Chief Judge. *See* 18 U.S.C. § 3402 (providing that a criminal defendant may appeal upon being convicted before a Magistrate Judge, whereupon the appeal will be assigned to District Court Judge); Fed. R. Crim. P. 58(g)(2)(B) (providing the same); *see also* 28 U.S.C. § 1291 (permitting an aggrieved criminal defendant to appeal from any subsequent orders or judgments entered by a District Court Judge to the Court of Appeals); Fed. R. Crim. P. 58(g)(1) (providing the same); Fed. R. App. P. 4(b) (providing the same). The defendant is well-aware of all of this. *See In re Radin*, 704 F. App'x 222, 222–24 (3d Cir. 2017) (Third Circuit Court of Appeals denying the defendant's previous motion for a writ of prohibition and holding that the defendant should seek relief through the appellate process); *see also* Order, *United States v. Radin*, Crim. No. 18-209 (AET) (D.N.J. Apr. 27, 2018), ECF No. 2 (holding that the defendant's attempt to appeal from the instant conviction is premature, as sentencing has yet to occur).

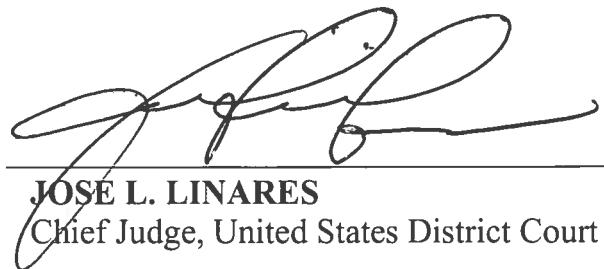
5. To the extent that the defendant requested to stay the underlying criminal proceedings due to a family emergency (ECF Nos. 53–54), it appears that the Magistrate Judge resolved that request for a stay by an order entered on April 27, 2018. (ECF No. 55.) Furthermore, it appears that another District Court Judge also resolved the

defendant's request for a stay in a separate Order. See Order, *United States v. Radin*, Crim. No. 18-209 (AET) (D.N.J. Apr. 27, 2018), ECF No. 2. Thus, the motions filed under ECF Nos. 53 and 54 are terminated to the extent that they seek a stay.

IT IS THEREFORE on this /S/ day of May, 2018, **ORDERED** that the defendant's motions seeking miscellaneous relief (**ECF No. 52, ECF No. 53, and ECF No. 54**) are resolved as follows:

TERMINATED TO THE EXTENT that the motions seek to stay the proceedings, as the defendant's request for a stay has been addressed by the Magistrate Judge under ECF No. 55 herein, and by a District Court Judge in *United States v. Radin*, Crim. No. 18-209 (AET), ECF No. 2; and

DENIED TO THE EXTENT that the motions seek other relief.



JOSE L. LINARES
Chief Judge, United States District Court